

I hereby certify that this PUBLIC BILL has finally passed the Legislative Assembly of Queensland.

Legislative Assembly Chamber,  
Brisbane,

The Clerk of the Parliament.

20 May 2022

In the name and on behalf of the Queen, I assent to this Bill.

  
Government House,  
Brisbane,

20 May

2022



Queensland

No. 9 of 2022

**A BILL for**

**An Act to amend the Forestry Act 1959, the Marine Parks Act 2004, the Nature Conservation Act 1992, the Police Powers and Responsibilities Act 2000, the Police Powers and Responsibilities Regulation 2012, the Police Service Administration Act 1990, the Police Service Administration Regulation 2016, the Recreation Areas Management Act 2006 and the legislation mentioned in schedule 1 for particular purposes, and to repeal the State Buildings Protective Security Act 1983**



## Queensland

# Police Service Administration and Other Legislation Amendment Bill 2022

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# 2022

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## A Bill

for

**An Act to amend the *Forestry Act 1959*, the *Marine Parks Act 2004*, the *Nature Conservation Act 1992*, the *Police Powers and Responsibilities Act 2000*, the *Police Powers and Responsibilities Regulation 2012*, the *Police Service Administration Act 1990*, the *Police Service Administration Regulation 2016*, the *Recreation Areas Management Act 2006* and the legislation mentioned in schedule 1 for particular purposes, and to repeal the *State Buildings Protective Security Act 1983***

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[s 1]

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## **The Parliament of Queensland enacts—**

# **Part 1 Preliminary**

## **1 Short title**

This Act may be cited as the *Police Service Administration and Other Legislation Amendment Act 2022*.

## **2 Commencement**

The following provisions commence on a day to be fixed by proclamation—

- parts 2 and 4
- schedule 1, part 1.

# **Part 2 Amendments relating to protective services officers**

## **Division 1 Amendment of Police Powers and Responsibilities Act 2000**

### **3 Act amended**

This division amends the *Police Powers and Responsibilities Act 2000*.

### **4 Replacement of ch 19, pt 1 (Directions in state buildings)**

Chapter 19, part 1—  
*omit, insert—*

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## Part 1 State buildings

### Division 1 Preliminary

#### 549 Meaning of *state building*

- (1) A *state building*—
  - (a) is—
    - (i) a building, or part of a building, owned or occupied by the State or a non-commercial authority of the State; or
    - (ii) a building, or part of a building, prescribed by regulation for the purpose of this definition; and
  - (b) includes the precincts of the building, or part of the building, under paragraph (a).
- (2) If a state building is constituted by only part of a building, a reference to the state building includes the areas of the state building the State or a non-commercial authority of the State may lawfully use together with other owners or occupiers of the state building.
- (3) A regulation may prescribe a building, or part of a building, to be a state building only if the building or part of the building is to be used for an activity with which the State is directly concerned.
- (4) In this section—

*precincts*, of a building or part of a building, includes—

  - (a) a forecourt, or other similar area, used in conjunction or associated with the building or part of the building; and

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- (b) a yard, or other similar area, used in conjunction or associated with the building or part of the building; and
- (c) if the building or part of the building has been prescribed by regulation under subsection (1)(a)(ii)—an area within the boundaries of the building or part of the building as identified in the regulation; and
- (d) if the building or part of the building is aligned next to a public place—any wall, fence or other structure along the alignment; and
- (e) any area above or below the foundations, walls, roof or other area of the building of part of the building.

## **Division 2          Screening of entrants to state buildings**

### **550 Power to require name and address and reason for entry**

- (1) A police officer or protective services officer may require an entrant to a state building to state the following information—
  - (a) the entrant’s name and address;
  - (b) the entrant’s reason for being at, or about to enter, the building.
- (2) However, subsection (1) applies only if the police officer or protective services officer reasonably suspects making the requirement is necessary for the security of the state building.
- (3) Also, the police officer or protective services officer may require the entrant to give evidence of the correctness of the stated name and address if,

in the circumstances, it would be reasonable to expect the entrant to be in possession of, or to otherwise be able to give, the evidence.

- (4) This section does not limit or otherwise affect chapter 2, part 4, division 1 or part 5.

### **551 Use of electronic screening devices**

- (1) This section applies if the system for the security of a state building involves the use of 1 or more of the following electronic screening devices—
- (a) a walk-through detector;
  - (b) an X-ray machine;
  - (c) a hand held scanner.
- (2) A police officer or protective services officer may ask an entrant to the state building to do 1 or more of the following things—
- (a) to walk through a walk-through detector;
  - (b) to pass the entrant's belongings through an X-ray machine;
  - (c) to allow the officer to pass a hand held scanner in close proximity to the entrant;
  - (d) to allow the officer to pass a hand held scanner in close proximity to the entrant's belongings.

### **552 Power to inspect entrant's belongings**

- (1) This section applies if—
- (a) a police officer or protective services officer reasonably considers it necessary for the security of a state building to make a request under subsection (2) in relation to an entrant to the state building, or the entrant's belongings, whether or not the entrant or

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- belongings have been subjected to electronic screening; and
- (b) the officer tells the entrant the reasons for making the request.
- (2) The police officer or protective services officer may ask the entrant to do 1 or more of the following things—
- (a) allow the officer to inspect the entrant's belongings;
- (b) remove 1 or more outer garments worn by the entrant as specified by the officer and allow the officer to inspect the garments;
- (c) remove all articles from the entrant's clothing and allow the officer to inspect them;
- (d) open an article for inspection and allow the officer to inspect it;
- (e) allow the officer, or another adult assisting the officer, to touch a garment the entrant is wearing for the purpose of the officer inspecting the entrant's belongings;
- (f) open a vehicle or a part of it for inspection and allow the officer to inspect it;
- (g) remove an article from a vehicle as specified by the officer and allow the officer to inspect it;
- (h) move a vehicle to, and park it in, a place specified by the officer;
- (i) if the officer reasonably believes a belonging of the entrant is capable of concealing a proscribed thing—deposit the belonging in a place specified by the officer.
- (3) Subsection (2)(e) applies only if the police officer or protective services officer, or another adult

assisting the officer, is of the same sex as the entrant.

(4) In this section—

*inspect*, an article, includes handle the article, open it and examine its contents.

### **553 Safeguards for inspection of entrant's belongings**

- (1) A police officer or protective services officer conducting an inspection of an entrant's belongings under section 552 must—
  - (a) ensure, as far as reasonably practicable, the way the inspection is conducted causes minimal embarrassment to the entrant; and
  - (b) take reasonable care to protect the dignity of the entrant; and
  - (c) ensure the touching of a garment the entrant is wearing, under section 552(2)(e), is conducted only by a police officer or protective services officer, or another adult assisting the officer, who is of the same sex as the entrant.
- (2) Also, if a police officer or protective services officer reasonably suspects it is necessary to protect the dignity of an entrant to a state building and it is reasonably practicable, the officer may ask the entrant to allow an inspection of the entrant's belongings under section 552(2) to be conducted out of public view, for example, in a room of the state building.

### **554 Direction to leave state building**

- (1) A police officer or protective services officer may direct an entrant, or group of entrants, to a state building to not enter, or to leave the building

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immediately, and to take the belongings of the entrant or group of entrants out of the building, if the officer reasonably suspects—

- (a) the behaviour of the entrant or entrants is or has been disorderly, indecent, offensive or threatening to a person entering, at or leaving the building; or
- (b) the entrant or entrants have not complied with a requirement under section 550; or
- (c) the entrant or entrants have not complied with a request under section 551 or 552; or
- (d) the entrant or entrants have no good and lawful reason to enter or be at the building.

*Note—*

See also sections 791 and 791B.

- (2) However, a police officer or protective services officer must not give a direction under subsection (1) unless the officer reasonably suspects the direction is necessary to maintain the security of the state building.
- (3) Also, a protective services officer must not give a direction under subsection (1)(c) if the entrant or entrants—
  - (a) tell the officer they—
    - (i) do not want an electronic screening device used in relation to their belongings, and are prepared to leave the building; or
    - (ii) do not want their belongings inspected, and are prepared to leave the building; and
  - (b) immediately leave the building with their belongings.

*Note—*

See also sections 633 and 633A.

- (4) The entrant or entrants may tell the protective services officer a matter mentioned in subsection (3) before or after the officer starts to—
- (a) use an electronic screening device in relation to the entrant or entrants under section 551; or
  - (b) conduct an inspection of the belongings of the entrant or entrants under section 552.
- (5) Also, a police officer or protective services officer must not give a direction under subsection (1) that interferes with a person's right of peaceful assembly unless the direction is reasonably necessary in the interests of—
- (a) public safety; or
  - (b) public order; or
  - (c) the protection of the rights and freedoms of other persons.

*Examples of rights and freedoms for subsection (5)(c)—*

- the rights and freedoms of the public to enjoy the place
  - the rights of persons to carry on lawful business in or in association with the place
- (6) Without limiting subsection (1), a direction under the subsection may require an entrant, or group of entrants, to a state building to do 1 of the following things—
- (a) leave the building and not return or be within the building within a stated reasonable time of not more than 24 hours;
  - (b) leave a stated part of the building and not return or be within the stated part of the building within a stated reasonable time of not more than 24 hours;



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- (c) move from a particular location at or near the building for a stated reasonable distance, in a stated direction, and not return or be within the stated distance from the building within a stated reasonable time of not more than 24 hours.
- (7) The police officer or protective services officer must give the entrant or group of entrants the reasons for the direction.
- (8) This section does not limit or otherwise affect—
  - (a) chapter 2, part 4, division 1; or
  - (b) chapter 2, part 5.

### **555 Power of police officers to search person or vehicle without warrant not affected**

This division does not limit or otherwise affect the powers a police officer has under this Act to search a person or vehicle without a warrant.

## **Division 3            Other powers relating to screening**

### **556 Seizure of proscribed thing**

A police officer or protective services officer may seize a proscribed thing found in the possession of an entrant to a state building, unless the entrant has a reasonable excuse for possessing the proscribed thing in the state building.

*Example of reasonable excuse for possessing proscribed thing in a state building—*

possessing a proscribed thing for use in the course of the person's trade, business or calling in a state building

*Note—*

See section 622.

### **557 Refusal of entry to and removal from state building**

- (1) This section applies if a police officer or protective services officer reasonably suspects—
  - (a) the behaviour of an entrant to a state building is or has been disorderly, indecent, offensive or threatening to a person entering, at or leaving the building; or
  - (b) an entrant to a state building has not complied with a requirement under section 550; or
  - (c) an entrant to a state building has not complied with a request under section 551 or 552; or
  - (d) an entrant to a state building has no good and lawful reason to enter or be at the building.
- (2) The police officer or protective services officer may—
  - (a) remove the entrant from the state building; and
  - (b) if the entrant is about to enter the state building—prevent the entrant from entering the state building.

*Note—*

See also section 615A.

### **558 Detention of entrants by protective services officers**

- (1) This section applies if a protective services officer reasonably suspects a person who is an entrant to

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a state building has committed an offence at or in connection with the building.

- (2) The protective services officer may detain the person for the time reasonably necessary to give the person into the custody of a police officer.
- (3) It is the duty of the protective services officer to release the person at the earliest reasonable opportunity if the person is no longer reasonably suspected of committing the offence for which the person was detained.
- (4) Subsection (3) does not apply if the person is reasonably suspected of another offence, whether or not arising out of the circumstances of the offence for which the person was detained.

## **Division 4            Miscellaneous**

### **559 Protective services officer must produce identity card unless in uniform**

- (1) This section applies if a protective services officer, other than a protective services officer who is in uniform, exercises a power under this part in relation to an entrant or group of entrants.
- (2) The protective services officer must—
  - (a) produce the officer's identity card for inspection by the entrant or entrants before exercising the power; or
  - (b) display the officer's identity card so it is clearly visible to the entrant or entrants when exercising the power.
- (3) However, if it is not reasonably practicable to comply with subsection (2), the protective services officer must produce the identity card for inspection by the entrant or entrants at the first

reasonable opportunity.

(4) The failure of a protective services officer to comply with subsection (2) or (3) does not make the exercise of a power under this part unlawful.

(5) In this section—

*identity card*, of a protective services officer, means the identity card issued to the officer under the *Police Service Administration Act 1990*, section 5.21.

### **560 Relationship with other powers**

This part does not limit or otherwise affect another Act or law, or any inherent jurisdiction, power or authority of a court or tribunal, that regulates the conduct or presence of a person in a court, tribunal or other state building.

## **5 Amendment of s 609A (Use of body-worn cameras)**

Section 609A, after ‘police officer’—

*insert—*

or protective services officer

## **6 Amendment of s 612 (Assistance in exercising powers)**

(1) Section 612(1), examples—

*insert—*

4 A protective services officer may seek the services of a translator to explain to an entrant to a state building who does not speak English the screening process used in the building.

(2) Section 612(8)—

*omit, insert—*

(8) A reference in this section to a police officer and

[s 7]

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the police service includes—

- (a) a reference to a law enforcement agency and a law enforcement officer when a person is performing the functions of a law enforcement officer under chapter 11 or 13; and
- (b) a reference to a protective services officer when performing the functions of a protective services officer under chapter 19, part 1.

**7 Amendment of s 615 (Power to use force against individuals)**

Section 615, heading, after ‘individuals’—

*insert—*

**—police officers**

**8 Insertion of new s 615A**

After section 615—

*insert—*

**615A Power to use force against individuals—protective services officers**

- (1) It is lawful for a protective services officer exercising or attempting to exercise a power under chapter 19, part 1 or another Act against an individual, and anyone helping the officer, to use reasonably necessary force to exercise the power.

*Example—*

A protective services officer may use reasonable force to prevent an entrant to a state building evading detention under section 558.

- (2) The force a protective services officer may use under this section does not include force likely to cause grievous bodily harm to an individual or the

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individual's death.

## **9 Amendment of s 622 (Receipt for seized property)**

(1) Section 622, before subsection (1)—

*insert—*

(1A) This section applies if—

(a) a police officer seizes anything under this Act or a warrant; or

(b) a protective services officer seizes a proscribed thing under section 556.

(2) Section 622(1), from 'If' to 'must'—

*omit, insert—*

The police officer or protective services officer must

(3) Section 622(2), 'if the police officer'—

*omit, insert—*

if a police officer

(4) Section 622(2), 'subsection (1)'—

*omit, insert—*

subsection (2)

(5) Section 622(5), after 'police officer'—

*insert—*

or protective services officer

(6) Section 622(5), example, 'subsection (5)(c)'—

*omit, insert—*

subsection (6)(c)

(7) Section 622(1A) to (5)—

*renumber* as section 622(1) to (6).

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**10 Amendment of s 633 (Safeguards for oral directions or requirements)**

Section 633, heading, after ‘requirements’—

*insert—*

**—police officers**

**11 Insertion of new s 633A**

After section 633—

*insert—*

**633A Safeguards for oral directions or requirements—protective services officers**

- (1) This section applies if a protective services officer gives someone an oral direction or makes an oral requirement under chapter 19, part 1, division 2.
- (2) If the person fails to comply with the direction or requirement, a protective services officer must, if practicable, warn the person it is an offence to fail to comply with the direction or requirement, unless the person has a reasonable excuse.
- (3) The protective services officer must give the person a further reasonable opportunity to comply with the direction or requirement.

**12 Amendment of s 636 (Police officer to give notice of damage)**

- (1) Section 636, heading, ‘Police officer to give’—

*omit, insert—*

**Giving**

- (2) Section 636—

*insert—*

- (1A) This section also applies if a protective services officer damages something when exercising a

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power under chapter 19, part 1 or another Act.

- (3) Section 636(2), ‘The police officer’—

*omit, insert—*

The police officer or protective services officer

- (4) Section 636(2), (3) and (5), ‘the police officer’—

*omit, insert—*

the officer

- (5) Section 636(2)(b), ‘police officer’s’—

*omit, insert—*

officer’s

- (6) Section 636(3), ‘the investigation or another investigation’—

*omit, insert—*

an investigation

- (7) Section 636(3)(b), ‘that police officer or another police officer’—

*omit, insert—*

that officer or a police officer

- (8) Section 636(1A) to (6)—

*renumber* as section 636(2) to (7).

### **13 Amendment of s 678 (Register of enforcement acts)**

Section 678(3)—

*omit, insert—*

- (3) Each entity—

(a) may keep its register in the way the entity’s chief executive officer considers appropriate; and

(b) must ensure its register is kept in a way that enables police officers and protective



[s 14]

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services officers to comply with this Act;  
and

- (c) may keep its register in a way the entity's chief executive officer considers is effective to—
  - (i) prevent police officers or protective services officers who are not performing functions for the entity from inspecting all or part of the register; or
  - (ii) restrict access to all or part of the register to only specified police officers or specified protective services officers who are performing functions for the entity.

*Example for subsection (3)(c)(ii)—*

The CCC chairperson may keep the CCC's register in a way that prevents police officers, other than those seconded to the CCC, inspecting the register.

## **14 Amendment of s 679 (Who must record information in register)**

- (1) Section 679(1), after 'police officer'—

*insert—*

or protective services officer

- (2) Section 679(2), after 'police officers'—

*insert—*

or protective services officers

- (3) Section 679(2), after 'the senior police officer'—

*insert—*

or senior protective services officer

---

**15 Amendment of s 686 (Application of pt 3)**

- (1) Section 686(1) and (3), after ‘police officer’—  
*insert—*  
or protective services officer
- (2) Section 686(2)—  
*insert—*  
(k) property in the possession of a protective services officer under a bailment of the property to the officer.
- (3) Section 686(3), ‘subsection (2)(f)’—  
*omit, insert—*  
subsection (2)(f) or (k)

**16 Amendment of s 688 (Responsibilities of police officer taking possession of relevant thing)**

- (1) Section 688, heading, after ‘police officer’—  
*insert—*  
**or protective services officer**
- (2) Section 688—  
*insert—*  
(1A) A protective services officer who seizes or otherwise comes into possession of a relevant thing must ensure the thing is given to an appropriate property officer or delivered to a property point that is appropriate in the circumstances, as soon as reasonably practicable, unless—  
(a) the thing is earlier returned, destroyed or disposed of under this part; or  
(b) the thing is given to a police officer.
- (3) Section 688(2), ‘If the’—

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---

*omit, insert—*

If a

(4) Section 688(3)—

*omit, insert—*

(3) Until the thing is given or delivered under subsection (1) or (2), the police officer or protective services officer is responsible for the safe keeping of the thing.

(5) Section 688(6), ‘Subsection (4)’—

*omit, insert—*

Subsection (5)

(6) Section 688(6), example, ‘subsection (6)’—

*omit, insert—*

subsection (7)

(7) Section 688(1A) to (6)—

*renumber* as section 688(2) to (7).

## **17 Amendment of s 691 (Return of relevant things)**

Section 691(1) and (3), after ‘police officer’—

*insert—*

or protective services officer

## **18 Insertion of new ch 21, pt 3, div 4AA**

After section 715—

*insert—*

**Division 4AA Dealing with proscribed things**

### **715AA Disposal of proscribed things**

- (1) At any time after the appointed day, a protective services officer may deliver a relevant thing that is a proscribed thing that has not been forfeited to the State—
  - (a) if a protective services officer is satisfied a person is the owner of the proscribed thing, or would be lawfully entitled to possess it if that person complies with the *Weapons Act 1990*—
    - (i) to the owner or person lawfully entitled to possess it; or
    - (ii) if the owner or person lawfully entitled to possess it nominates another person to possess it, to that person; or
  - (b) if a court order is made for the delivery of the proscribed thing to a person under section 701—to that person.
- (2) However, a proscribed thing may be delivered to a person mentioned in subsection (1) only if that person satisfies the protective services officer who holds or has custody of the proscribed thing that the person may lawfully possess the proscribed thing.
- (3) If the proscribed thing has not been delivered to any person under subsection (1) within 3 months after the appointed day or the longer period the commissioner decides in a particular case, the proscribed thing is forfeited to the State.

### **715AB What is the appointed day for disposal of proscribed thing under s 715AA**

The appointed day for disposal of proscribed things is—

[s 19]

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- (a) for a proscribed thing seized because of a contravention or suspected contravention of the *Weapons Act 1990*, the later of the following—
  - (i) the day all proceedings relating to the offence or suspected offence are finally decided;
  - (ii) the day 6 months after the day the proscribed thing was seized; or
- (b) otherwise, the day the proscribed thing was seized.

**19 Insertion of new ch 23, pt 1, div 1, hdg**

Before section 790—

*insert—*

**Division 1 Police officers**

**20 Insertion of new ch 23, pt 1, div 2**

Chapter 23, part 1—

*insert—*

**Division 2 Protective services officers**

**791A Offence to assault or obstruct protective services officer**

- (1) A person must not—
  - (a) assault a protective services officer in the performance of the officer's duties at, or in connection with, a state building; or

- (b) obstruct a protective services officer in the performance of the officer's duties at, or in connection with, a state building.

Maximum penalty—40 penalty units or 6 months imprisonment.

- (2) In this section—

*assault* has the meaning given by the Criminal Code, section 245.

*obstruct* includes hinder, resist and attempt to obstruct.

### **791B Offence to contravene direction or requirement of protective services officer**

- (1) This section applies if a person is given a requirement or direction under chapter 19, part 1 by a protective services officer and no other penalty is expressly provided for a contravention of the requirement or direction.
- (2) A person must not contravene a requirement or direction given by a protective services officer, including a requirement or direction contained in a notice given by a protective services officer, under this Act, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

## **21 Amendment of s 792 (Performance of duty)**

Section 792, heading, after 'duty'—

*insert—*

**—police officers**

## **22 Insertion of new s 792A**

After section 792—

[s 23]

---

*insert—*

**792A Performance of duty—protective services officers**

A protective services officer performing a function of the police service is performing a duty of a protective services officer even if the function could be performed by someone other than a protective services officer.

**23 Amendment of s 804 (Compensation)**

(1) Section 804(1)—

*insert—*

(aa) a protective services officer exercises powers under chapter 19, part 1; or

(2) Section 804(1)(b), after ‘police officer’—

*insert—*

or protective services officer

(3) Section 804(1)(aa) and (b)—

*renumber* as section 804(1)(b) and (c).

**24 Amendment of s 809 (Regulation-making power)**

(1) Section 809(2)(a)—

*insert—*

(ia) protective services officers and protective services officers (in training);

(2) Section 809(2)(a)(ia) and (ii)—

*renumber* as section 809(2)(a)(ii) and (iii).

**25 Insertion of new ch 24, pt 23**

Chapter 24—

*insert—*

## **Part 23                      Transitional provision for Police Service Administration and Other Legislation Amendment Act 2022**

### **892 Proceedings for offences against repealed Act**

- (1) This section applies in relation to an offence against a former provision of the repealed Act committed by a person before the commencement.
- (2) Without limiting the *Acts Interpretation Act 1954*, section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if the *Police Service Administration and Other Legislation Amendment Act 2022* had not commenced.
- (3) Subsection (2) applies despite the Criminal Code, section 11.
- (4) In this section—

*former*, for a provision of the repealed Act, means the provision as in force from time to time before the commencement.

*repealed Act* means the repealed *State Buildings Protective Security Act 1983* as in force from time to time before the commencement.

## **26                      Amendment of sch 6 (Dictionary)**

- (1) Schedule 6, definitions *belongings*, *noxious or offensive substance*, *offensive weapon*, *proscribed thing* and *state building*—



[s 26]

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*omit.*

(2) Schedule 6—

*insert—*

***belongings***, of an entrant to a state building or a watch-house, includes each of the following things even if the entrant does not own or have a right to use the thing—

- (a) an article worn by the entrant;
- (b) an article carried by the entrant, including, for example, an article in a pocket of the entrant's clothing;
- (c) an article pushed or pulled by the entrant;
- (d) a vehicle driven by the entrant or another vehicle towed by a vehicle driven by the entrant;
- (e) the contents of an article or vehicle mentioned in any of paragraphs (a) to (d).

***non-commercial authority of the State*** means an authority of the State that is non-commercial within the meaning of the *Competition and Consumer Act 2010* (Cwlth), section 2C.

***noxious or offensive substance*** means a thing made or adapted, or intended for use by the person possessing the thing, to—

- (a) assault another person, other than by injuring or incapacitating the other person;  
or
- (b) damage property; or
- (c) disrupt business conducted by the State, or a non-commercial authority of the State, in a state building, including, for example, interrupting court proceedings.

*Examples of a noxious or offensive substance—*

blood or paint in a plastic or paper wrapping intended to burst on impact when thrown at a person or a solid object

***offensive weapon or instrument*** includes—

- (a) a weapon; and
- (b) an antique firearm, explosive tool, captive bolt humane killer, spear gun, longbow, sword or knife; and
- (c) an explosive; and
- (d) a replica of a weapon under the *Weapons Act 1990*, section 6A; and
- (e) a replica of a thing mentioned in paragraph (b) or (c); and
- (f) a slingshot or shanghai; and
- (g) a laser pointer; and
- (h) a thing made or adapted, or intended for use by the person possessing the thing, to injure or incapacitate another person.

***proscribed thing*** means—

- (a) an offensive weapon or instrument; or
- (b) a noxious or offensive substance; or
- (c) another thing in the unlawful possession of the person possessing the thing.

***protective services officer*** see the *Police Service Administration Act 1990*, section 1.4.

***security***, of a state building, includes—

- (a) the safety of entrants to the building; and
- (b) the safety of things in, or about to be brought into, the building; and
- (c) the good order, or safe operation, of the building.

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*state building* see section 549.

(3) Schedule 6, definition *enforcement act*—

*insert*—

(v) the giving of a direction under section 554;

(w) the removal of an entrant to a state building under section 557;

(x) the detention of an entrant to a state building under section 558.

(4) Schedule 6, definition *identifying particulars offence*, paragraph (b), second dot point, ‘or 10.20’—

*omit, insert*—

, 10.20 or 10.22

(5) Schedule 6, definition *identifying particulars offence*, paragraph (b), sixth dot point—

*omit.*

## **Division 2                      Amendment of Police Powers and Responsibilities Regulation 2012**

### **27            Regulation amended**

This division amends the *Police Powers and Responsibilities Regulation 2012*.

### **28            Insertion of new pt 4C**

After part 4B—

*insert*—

## **Part 4C                      State buildings**

---

**20G State buildings—Act, s 549**

For section 549(1)(a)(ii) of the Act, the following buildings located on the land described in schedule 1A are prescribed—

- (a) Queensland Cultural Centre;
- (b) the offices of Legal Aid Queensland.

**29 Insertion of new sch 1A**

After schedule 1—

*insert—*

**Schedule 1A Land on which state buildings are located**

section 20G

**Part 1 Queensland Cultural Centre**

- 1 Lot 401 on SP259399
- 2 Lot 500 on SP259412
- 3 Lot 600 on SP259442
- 4 Lot 700 on SP273957

**Part 2 Legal Aid Queensland buildings**

- 1 Lots 5 and 6 on Crown Plan B361
- 2 Lot 8 on plan B118228

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3 Lot 15 on RP137816

**30 Amendment of sch 9 (Responsibilities code)**

- (1) Schedule 9, section 52, heading, ‘Directions given’—  
*omit, insert—*

**Directions to move on**

- (2) Schedule 9, after section 53—  
*insert—*

**53A Directions in state building—Act, s 679(1)**

The following information about a direction given to an entrant to a state building under section 554 of the Act must be included in the register of enforcement acts—

- (a) when the direction was given;
- (b) the location of the entrant when given the direction;
- (c) the name of the entrant given the direction, if known;
- (d) the reason the direction was given;
- (e) the apparent demographic category of the entrant.

**53B Removal of entrant from state building—Act, s 679(1)**

The following information about the removal of an entrant to a state building under section 557(2)(a) of the Act must be included in the register of enforcement acts—

- (a) when the entrant was removed;
- (b) the location of the entrant when removed;
- (c) the name of the entrant removed, if known;

- (d) the reason the entrant was removed;
- (e) the apparent demographic category of the entrant.

### **53C Preventing entrant from entering state building—Act, s 679(1)**

The following information about preventing an entrant from entering a state building under section 557(2)(b) of the Act must be included in the register of enforcement acts—

- (a) when the entrant was prevented from entering;
- (b) the location of the entrant when prevented from entering;
- (c) the name of the entrant prevented from entering, if known;
- (d) the reason the entrant was prevented from entering;
- (e) the apparent demographic category of the entrant.

### **53D Detention of entrant in state building—Act, s 679(1)**

The following information about the detention of an entrant to a state building, under section 558 of the Act, must be included in the register of enforcement acts—

- (a) the name of the entrant, if known;
- (b) the time the entrant was detained;
- (c) where the entrant was detained;
- (d) the reason the entrant was detained;
- (e) any apparent injury the entrant received during the detention.

[s 31]

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## **Division 3                      Amendment of Police Service Administration Act 1990**

### **31        Act amended**

This division amends the *Police Service Administration Act 1990*.

### **32        Amendment of s 1.4 (Definitions)**

Section 1.4—

*insert—*

*protective services officer* means a person appointed by the commissioner under section 5.19(1)(a).

*protective services officer (in training)* means a person appointed by the commissioner under section 5.19(1)(b).

*state building* see the *Police Powers and Responsibilities Act 2000*, section 549.

### **33        Amendment of s 2.3 (Functions of service)**

Section 2.3—

*insert—*

- (h) the provision of services for the security of state buildings.

### **34        Amendment of s 2.5 (Administration of staff members)**

Section 2.5(1)—

*insert—*

- (c) protective services officers and protective services officers (in training).

---

**35 Amendment of s 5.1 (Ranks)**

Section 5.1, from ‘those’—

*omit, insert—*

the ranks declared by regulation.

**36 Insertion of new pt 5, div 3**

Part 5—

*insert—*

**Division 3 Protective services officers**

**5.19 Appointment of protective services officers**

- (1) The commissioner may appoint a person, other than a police officer, to be—
  - (a) a protective services officer; or
  - (b) a protective services officer (in training).
- (2) The commissioner may appoint the person as a protective services officer only if the commissioner is satisfied the person is appropriately qualified to perform the functions of a protective services officer.
- (3) A person is appropriately qualified to perform the functions of a protective services officer only if the commissioner is satisfied the person—
  - (a) has the qualifications, experience or standing appropriate to perform the functions of a protective services officer; or
  - (b) has completed a course of training approved by the commissioner for the purpose of this section.
- (4) Protective services officers and protective



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services officers (in training) are employed under the *Public Service Act 2008* and not under this Act.

### **5.20 Ranks**

The ranks of protective services officers are the ranks declared by regulation.

### **5.21 Issue of identity card**

- (1) The commissioner must issue an identity card to each protective services officer.
- (2) The identity card must—
  - (a) state the protective services officer's name; and
  - (b) contain a recent photograph of the protective services officer; and
  - (c) identify the person the subject of the identity card as a protective services officer; and
  - (d) state an expiry date for the card.
- (3) This section does not prevent the issue of a single identity card to a person for this Act and for other purposes.

### **5.22 Oath of office for protective services officers**

Before a person begins to perform duty as a protective services officer, the person is to take, or make, and subscribe the oath or affirmation prescribed by regulation.

### **5.23 Functions of protective services officers**

- (1) The primary function of protective services officers is to carry into effect the systems

formulated for the security of state buildings, including, for example, the systems for the entry of vehicles into state buildings and the parking of the vehicles.

- (2) Also, the functions of protective services officers include—
  - (a) providing services, on a commercial basis, for a building (other than a state building) under a contract entered into by the State; and
  - (b) exercising a power given to protective services officers under this Act or another Act; and
  - (c) another function given to protective services officers under this Act or another Act.

#### **5.24 Duties of protective services officers**

- (1) A protective services officer—
  - (a) is subject to the directions and orders of the commissioner; and
  - (b) if performing functions as a duty officer—must remain on duty in the state building until—
    - (i) relieved from duty by another protective services officer; or
    - (ii) authorised by the commissioner to leave the building.
- (2) Without limiting subsection (1)(a), if directed by the commissioner, a protective services officer must take up duty promptly in an emergency, unless the officer has a reasonable excuse.
- (3) To remove any doubt, it is declared that subsection (1)(b) does not prevent a protective services officer leaving a building to perform a

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function of the officer.

**37 Amendment of s 5A.3 (Persons to whom pt 5A applies)**

Section 5A.3(1)—

*insert—*

- (f) a protective services officer; or
- (g) a protective services officer (in training).

**38 Amendment of s 10.13 (Surrender of equipment)**

Section 10.13(1), after ‘officer’—

*insert—*

or a protective services officer

**39 Amendment of s 10.19 (Offences)**

Section 10.19, heading, after ‘Offences’—

*insert—*

**relating to police officers**

**40 Insertion of new s 10.22**

After section 10.21C—

*insert—*

**10.22 Impersonating protective services officer**

A person must not impersonate a protective services officer.

Maximum penalty—100 penalty units.

**41 Amendment of s 10.23 (Proceedings for offences)**

Section 10.23(1)(a), ‘or 10.21BA’—

*omit, insert—*

, 10.21BA or 10.22

## 42 Insertion of new pt 11, div 13

Part 11—

*insert—*

### **Division 13 Transitional provisions for Police Service Administration and Other Legislation Amendment Act 2022**

#### **11.35 Definitions for division**

In this division—

*former*, for a provision of the repealed Act, means the provision as in force from time to time before the commencement.

*repealed Act* means the repealed *State Buildings Protective Security Act 1983* as in force from time to time before the commencement.

#### **11.36 Protective security officer**

- (1) This section applies if, immediately before the commencement, a person held an appointment under former section 7(1)(a) of the repealed Act as a protective security officer.
- (2) From the commencement, the person holds an appointment under section 5.19 as a protective services officer with the rank under section 5.20 of protective services officer.
- (3) The appointment under section 5.19 is—

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- (a) on the same terms of appointment that applied to the person immediately before the commencement; and
  - (b) for the remaining term of the appointment under former section 7(1)(a) of the repealed Act.
- (4) If the person took an oath under former section 13 of the repealed Act, the officer is taken to have taken and subscribed to an oath, relating to a protective services officer, under section 5.22.
- (5) A reference in an Act or other document to a protective security officer under the repealed Act may, if the context permits, be taken to be a reference to a protective services officer with the rank under section 5.20 of protective services officer.

### **11.37 Senior protective security officer (in training)**

- (1) This section applies if, immediately before the commencement, a person held an appointment under former section 7(1)(b) of the repealed Act as a senior protective security officer (in training).
- (2) From the commencement, the person holds an appointment under section 5.19 as a protective services officer (in training).
- (3) The appointment under section 5.19 is—
- (a) on the same terms of appointment that applied to the person immediately before the commencement; and
  - (b) for the remaining term of the appointment under former section 7(1)(b) of the repealed Act.
- (4) A reference in an Act or other document to a senior protective security officer (in training) under the repealed Act may, if the context

permits, be taken to be a reference to a protective services officer (in training).

### **11.38 Senior protective security officer**

- (1) This section applies if, immediately before the commencement, a person held an appointment under former section 8 of the repealed Act as a senior protective security officer.
- (2) From the commencement, the person holds an appointment under section 5.19 as a protective services officer with the rank under section 5.20 of senior protective services officer.
- (3) The appointment under section 5.19 is—
  - (a) on the same terms of appointment that applied to the person immediately before the commencement; and
  - (b) for the remaining term of the appointment under former section 8 of the repealed Act.
- (4) If the person took an oath under former section 14 of the repealed Act, the officer is taken to have taken and subscribed to an oath, relating to a senior protective services officer, under section 5.22.
- (5) A reference in an Act or other document to a senior protective security officer under the repealed Act may, if the context permits, be taken to be a reference to a protective services officer with the rank under section 5.20 of senior protective services officer.

### **11.39 References to repealed Act**

A reference in an Act or other document to the repealed Act may, if the context permits, be taken to be a reference to this Act.

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## **Division 4                      Amendment of Police Service Administration Regulation 2016**

### **43        Regulation amended**

This division amends the *Police Service Administration Regulation 2016*.

### **44        Insertion of new pt 2, div 1, hdg**

Before section 4—

*insert—*

#### **Division 1                      Police officers**

### **45        Amendment of s 4 (Oath of office)**

Section 4, heading, after ‘office’—

*insert—*

**—Act, s 3.3**

### **46        Amendment of s 5 (Affirmation of office)**

Section 5, heading, after ‘office’—

*insert—*

**—Act, s 3.3**

### **47        Insertion of new pt 2, div 2**

After section 6—

*insert—*

#### **Division 2                      Protective services officers**

## **6A Oath of office—Act, s 5.22**

- (1) For section 5.22 of the Act, the following oath is prescribed for a person to take and subscribe before beginning to perform duty as a protective services officer—‘I, A.B., swear by almighty God that I will well and truly serve our Sovereign Lady Queen Elizabeth the Second and Her Heirs and Successors according to law in the office of protective services officer or in such other capacity as I may be hereafter appointed, promoted, or may be reduced, without favour or affection, malice or ill-will, from this date and until I am legally discharged; and that while I shall continue to be a member of the Queensland Police Service I will to the best of my skill and knowledge discharge all the duties legally imposed upon me faithfully and according to law. So help me God.’.
- (2) However, subsection (3) applies if the person’s first performance of duty as a member of the service is to be as a member of a rank other than the rank of protective services officer.
- (3) The oath prescribed for the person to take and subscribe before beginning to perform duty as a member of the service is the oath stated in subsection (1) subject to the words ‘protective services officer’ being replaced by the word or words stating the other rank.

## **6B Affirmation of office—Act, s 5.22**

- (1) For section 5.22 of the Act, the following affirmation is prescribed for a person to take and subscribe before beginning to perform duty as a protective services officer—‘I, A.B., do solemnly, sincerely and truly affirm and declare that I will well and truly serve our Sovereign Lady Queen Elizabeth the Second and Her Heirs and



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Successors according to law in the office of protective services officer or in such other capacity as I may be hereafter appointed, promoted, or may be reduced, without favour or affection, malice or ill-will, from this date and until I am legally discharged; and that while I shall continue to be a member of the Queensland Police Service I will to the best of my skill and knowledge discharge all the duties legally imposed upon me faithfully and according to law.’.

- (2) However, subsection (3) applies if the person’s first performance of duty as a member of the service is to be as a member of a rank other than the rank of protective services officer.
- (3) The affirmation prescribed for the person to take and subscribe before beginning to perform duty as a member of the service is the affirmation stated in subsection (1) subject to the words ‘protective services officer’ being replaced by the word or words stating the other rank.

## **6C Oath or affirmation**

A person who must take, or make, and subscribe an oath or affirmation under section 5.22 of the Act must do so before—

- (a) a justice; or
- (b) a justice of another State; or
- (c) the commissioner, an executive officer or a commissioned officer; or
- (d) a member of a police force or police service of another State who may under the law of that State—

- (i) administer an oath or affirmation for the appointment of a police officer for that State; or
- (ii) witness the signing of a document (whether or not sworn) by a person in relation to the person's appointment as a police officer for that State that has or in part has a similar purpose to an oath or affirmation stated in this division.

*Example of a document mentioned in subparagraph (ii)—*

an engagement under the *Police Act 1892* (WA), section 10

**48 Amendment of s 7 (Particular matters within scope of prescribed responsibility)**

Section 7(w)—

*omit.*

**49 Insertion of new s 24A**

After section 24—

*insert—*

**24A Ranks of protective services officers—Act, s 5.20**

For section 5.20 of the Act, the ranks of protective services officers are declared to be—

- (a) protective services officer; and
- (b) senior protective services officer.

[s 50]

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## **Part 3**                      **Amendments relating to identity cards**

### **Division 1**                **Amendment of Forestry Act 1959**

#### **50**      **Act amended**

This division amends the *Forestry Act 1959*.

#### **51**      **Amendment of s 17C (Issue of identity card)**

Section 17C—

*insert—*

- (4) Without limiting subsection (3), if the person holds an office under another Act administered by the department, the identity card may identify the other office.
- (5) Despite subsection (1), the chief executive is not required to issue an identity card to—
  - (a) a forest officer who is a police officer; or
  - (b) a person who holds an identity card, issued under another Act by a Minister or chief executive of a department, that identifies the person as a forest officer.

#### **52**      **Amendment of s 17D (Production or display of identity card)**

Section 17D—

*insert—*

- (3) This section does not apply to a forest officer who is a police officer.
- (4) Subsection (3) does not limit or otherwise affect the *Police Powers and Responsibilities Act 2000*,

section 637.

(5) In this section—

*identity card* means—

- (a) an identity card issued under section 17C; or
- (b) an identity card, issued under another Act by a Minister or chief executive of a department, that identifies the person as a forest officer under this Act.

### 53 Amendment of s 17E (Return of identity card)

Section 17E, ‘the person’s identity card’—

*omit, insert—*

an identity card issued to the person under section 17C

### 54 Amendment of s 84E (Power to stop or move vehicle or vessel)

(1) Section 84E(4)(a)—

*insert—*

*Examples of how a forest officer may clearly identify himself or herself—*

- wearing an item of uniform issued by the department
- displaying a metal badge issued by the department
- activating magenta lights on a vehicle displaying a logo of the department

(2) Section 84E—

*insert—*

- (10) Subsection (4) does not apply to a forest officer who is a police officer.
- (11) Subsection (10) does not limit or otherwise affect the *Police Powers and Responsibilities Act 2000*,

[s 55]

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section 637.

(12) In this section—

*identity card* means—

- (a) an identity card issued under section 17C; or
- (b) an identity card, issued under another Act by a Minister or chief executive of a department, that identifies the person as a forest officer under this Act.

## **Division 2                      Amendment of Marine Parks Act 2004**

### **55      Act amended**

This division amends the *Marine Parks Act 2004*.

### **56      Amendment of s 54 (Issue of identity card)**

Section 54—

*insert—*

- (4) Without limiting subsection (3), if the person holds an office under another Act administered by the department, the identity card may identify the other office.
- (5) Despite subsection (1), the chief executive is not required to issue an identity card to—
  - (a) an inspector who is a police officer; or
  - (b) a person who holds an identity card, issued under another Act by a Minister or chief executive of a department, that identifies the person as an inspector.

---

**57 Amendment of s 55 (Production or display of identity card)**

- (1) Section 55(1), ‘, other than a police officer in uniform,’—  
*omit.*
- (2) Section 55—  
*insert—*
- (4) This section does not apply to an inspector who is a police officer.
- (5) Subsection (4) does not limit or otherwise affect the *Police Powers and Responsibilities Act 2000*, section 637.
- (6) In this section—  
***identity card*** means—
- (a) an identity card issued under section 54; or
- (b) an identity card, issued under another Act by a Minister or chief executive of a department, that identifies the person as an inspector under this Act.

**58 Amendment of s 58 (Return of identity card)**

Section 58, ‘the individual’s identity card’—  
*omit, insert—*

an identity card issued to the individual under section 54

**59 Amendment of s 65 (Warrants—procedure before entry)**

- (1) Section 65(2)(a)—  
*insert—*

*Note—*

For an inspector who is a police officer, see the *Police Powers and Responsibilities Act 2000*, section 637.

[s 60]

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(2) Section 65(4)—

*insert—*

***identity card*** means—

- (a) an identity card issued under section 54; or
- (b) an identity card, issued under another Act by a Minister or chief executive of a department, that identifies the person as an inspector under this Act.

### **Division 3                      Amendment of Nature Conservation Act 1992**

#### **60        Act amended**

This division amends the *Nature Conservation Act 1992*.

#### **61        Amendment of s 130 (Identity cards)**

(1) Section 130(1)(a), from ‘, other’ to ‘class’—

*omit.*

(2) Section 130—

*insert—*

- (2A) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.
- (2B) Without limiting subsection (3), if the person holds an office under another Act administered by the department, the identity card may identify the other office.
- (2C) Despite subsection (1), the Minister is not required to issue an identity card to—
  - (a) a conservation officer who is a police officer; or

- (b) a person who holds an identity card, issued under another Act by a Minister or chief executive of a department, that identifies the person as a conservation officer.
- (3) Section 130(3), ‘his or her card’—  
*omit, insert—*  
an identity card issued under subsection (1)
- (4) Section 130(2A) to (3)—  
*renumber* as section 130(3) to (6).

## 62 Amendment of s 131 (Proof of authority)

- (1) Section 131, heading—  
*omit, insert—*  
**131 Production or display of identity card**
- (2) Section 131(1), ‘(other than an officer who is in uniform)’—  
*omit.*
- (3) Section 131—  
*insert—*
  - (4) This section does not apply to a conservation officer who is a police officer.
  - (5) Subsection (4) does not limit or otherwise affect the *Police Powers and Responsibilities Act 2000*, section 637.
  - (6) In this section—  
***identity card*** means—
    - (a) an identity card issued under section 130; or
    - (b) an identity card, issued under another Act by a Minister or chief executive of a department, that identifies the person as a conservation officer under this Act.



[s 63]

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## **Division 4                      Amendment of Recreation Areas Management Act 2006**

### **63        Act amended**

This division amends the *Recreation Areas Management Act 2006*.

### **64        Amendment of s 145 (Issue of identity card)**

Section 145—

*insert—*

- (4) Without limiting subsection (3), if the person holds an office under another Act administered by the department, the identity card may identify the other office.
- (5) Despite subsection (1), the chief executive is not required to issue an identity card to—
  - (a) an authorised officer who is a police officer; or
  - (b) a person who holds an identity card, issued under another Act by a Minister or chief executive of a department, that identifies the person as an authorised officer.

### **65        Amendment of s 146 (Production or display of identity card)**

Section 146—

*insert—*

- (4) This section does not apply to an authorised officer who is a police officer.
- (5) Subsection (4) does not limit or otherwise affect the *Police Powers and Responsibilities Act 2000*, section 637.

(6) In this section—

*identity card* means—

- (a) an identity card issued under section 145; or
- (b) an identity card, issued under another Act by a Minister or chief executive of a department, that identifies the person as an authorised officer under this Act.

## 66 Amendment of s 149 (Return of identity card)

Section 149, ‘the individual’s identity card’—

*omit, insert—*

an identity card issued to the individual under section 145

## 67 Amendment of s 156 (Warrants procedure before entry)

(1) Section 156—

*insert—*

(3A) This section does not apply to an authorised officer who is a police officer.

(3B) Subsection (4) does not limit or otherwise affect the *Police Powers and Responsibilities Act 2000*, section 637.

(2) Section 156(4)—

*insert—*

*identity card* means—

- (a) an identity card issued under section 145; or
- (b) an identity card, issued under another Act by a Minister or chief executive of a department, that identifies the person as an authorised officer under this Act.

(3) Section 156(3A) to (4)—

[s 68]

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*renumber* as section 156(4) to (6).

## **Part 4                      Repeal**

### **68        Repeal**

The State Buildings Protective Security Act 1983, No. 22 is repealed.

## **Part 5                      Minor and consequential amendments**

### **69        Legislation amended**

Schedule 1 amends the legislation it mentions.

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## Schedule 1      Legislation amended

section 69

### Part 1                      Legislation relating to protective services officers

#### Corrective Services Act 2006

1      **Section 310(3), ‘State Buildings Protective Security Act 1983’—**

*omit, insert—*

*Police Powers and Responsibilities Act 2000 or  
the Police Service Administration Act 1990*

#### Criminal Code

1      **Section 1, definition *public officer*, paragraph (e)(iii)—**

*omit.*

#### Criminal Law (Rehabilitation of Offenders) Act 1986

1      **Section 9A(1), table, item 10—**

*omit.*

## **Major Events Act 2014**

**1 Section 18(9), definition *belongings*, ‘State Buildings Protective Security Act 1983, section 4A’—**

*omit, insert—*

*Police Powers and Responsibilities Act 2000, schedule 6*

## **Youth Justice Act 1992**

**1 Section 59H(3), ‘State Buildings Protective Security Act 1983’—**

*omit, insert—*

*Police Powers and Responsibilities Act 2000 or the Police Service Administration Act 1990*

## **Part 2                      Legislation relating to identity cards**

## **Nature Conservation (Animals) Regulation 2020**

**1 Chapter 10, part 6—**

*omit.*

## **Nature Conservation (Plants) Regulation 2020**

**1 Section 187—**

*omit.*

## **Nature Conservation (Protected Areas Management) Regulation 2017**

**1 Section 159BK—**

*omit.*

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